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14 Attorneys for Defendant City of Burbank

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16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF LOS ANGELES

18 WILLIAM TAYLOR,

19 Plaintiff,

20 v.

21 CITY OF BURBANK and  
22 DOES 1 through 100, inclusive,

23 Defendants.

Case No. BC 422252

Assigned to: Hon John L. Segal, Dept. 50

**DEFENDANT CITY OF BURBANK'S  
ADDITIONAL PROPOSED JURY  
INSTRUCTIONS**

FSC Date: Feb. 29, 2012

FSC Time: 8:30 a.m.

Trial Date: March 5, 2012

Action Filed: Sept. 22, 2009

PLEASE TAKE NOTICE that defendant City of Burbank hereby submits three additional proposed jury instructions. City will meet and confer with plaintiff's counsel about these instructions, and report to the court. However, City expects plaintiff to object thereto. The additional proposed jury instructions are as follows:

Proponent [No. Desc]	Competing Version
D [36 Discussion of options]	
D [37 City's reasonable belief]	
D [38 Disclosure defined]	

Dated: March 9, 2012

BURKE, WILLIAMS & SORENSEN, LLP  
Ronald F. Frank  
Robert J. Tyson

By: 

Robert J. Tyson  
Attorneys for Defendant  
City of Burbank

## Special Instruction

Instruction  
No 36

Request by Plaintiff		Request by Defendant	X	Requested by	
Given as Proposed		Given as Modified		Given on Court's Motion	
Refused		Authority: <i>Reid v. Merit Sys. Protection Board</i> (Fed.Cir.2007) 508 F.3d 674, 678 cited in <i>Mize-Kurzman</i> 859			
Withdrawn		_____ Judge			

Instruction  
No 36

Discussion among employees and supervisors concerning various possible courses of action is healthy and normal in any organization. It may in fact avoid a violation.

## Special Instruction

Instruction  
No 37

Request by Plaintiff		Request by Defendant	X	Requested by	
Given as Proposed		Given as Modified		Given on Court's Motion	
Refused		<i>Authority: Mize-Kurzman v. Marin Community College Dist. (2012) 202 Cal.App.4<sup>th</sup> 832, 858-859</i> <i>Morgan v. Regents (2000) 88 Cal.App.4<sup>th</sup> 52</i> <i>Clark v. Claremont University Center (1992) 6 Cal.App.4<sup>th</sup> 639</i>			
Withdrawn					
<div style="border-top: 1px solid black; width: 100%;"></div> Judge					

Instruction  
No 37

If the City of Burbank reasonably believed that it was justified in removing Mr. Taylor from his position as Deputy Chief/Captain on the basis of evidence separate and apart from the fact that Mr. Taylor complained about harassment or discrimination, then the city is not liable to Mr. Taylor under the provisions of Labor Code Section 1102.5.

## Special Instruction

Instruction  
No 38

Request by Plaintiff		Request by Defendant	X	Requested by	
Given as Proposed		Given as Modified		Given on Court's Motion	
Refused		<i>Authority: Mize-Kurzman v. Marin County College Dist. (2012) 202 Cal.App.4<sup>th</sup> 832, 858-859</i>			
Withdrawn					
				Judge	

Instruction  
No 38


A report of commonly known information does constitute a protected disclosure.

The term disclosure means to reveal something that was hidden and not known.

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Executed on March 9, 2012, at Los Angeles, California.

  
Agnes D. Tualla

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Gregory Smith  
Law Offices of Gregory Smith

Christopher Brizzolara  
Law Offices of Christopher Brizzolara

Linda Savitt  
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Department 50, Los Angeles Superior  
Court

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 9, 2012, at Los Angeles, California.

Tony Kay